
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: January 17, 2007

TEXT AMENDMENT: **T-380**

TITLE: **AMEND "USES PERMITTED BY
RIGHT" TO ELIMINATE REDUNDANT
AND CONFLICTING PROVISIONS AND
RENUMBER ACCORDINGLY**

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: N/A

ZONE: I-3 (Industrial and Office Park) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as
applicable)

STAFF PERSON: Greg Ossont, Director
Planning and Code Administration

Enclosures:

Staff Comments
Index of Memorandum and Exhibits

STAFF COMMENTS

Staff is proceeding with the preliminary steps for the development of the Gaithersburg Indoor Aquatic and Recreation Center at the GE Tech Park site. The current zoning of the parcel is I-3, Industrial and Office Park. Currently, the I-3 zone requirements would prohibit the development of the property for the aquatic center. Specifically, there are two standards proposed to be eliminated.

Public buildings are subject to certain requirements under §24-143(2) including minimum lot or parcel sizes and setbacks for parking areas. It is these two standards that would preclude the aquatic center project.

As drafted, the text amendment would retain the other two standards for public buildings restricting "distribution" uses and parking or storage of trucks.

Essentially, the following illustrates what is being recommended:

(2) Public buildings and uses subject to the following requirements:

~~(a) The minimum lot or parcel area shall be at least twenty (20) acres in size.~~

(b) No on-site parking or storage of trucks, either within a building or on the exterior or motor vehicles other than automobiles for employees and customers of the facility are allowed.

~~(c) All parking areas shall be set back at least fifty (50) feet from any common property line or public right-of-way and shall be screened by fencing or planting at least four (4) feet in height.~~

(d) No distribution uses are allowed. For the purpose of this section "distribution uses" is defined as the primary use of the property for the collection and transfer or dispensing of personal property or equipment to public or private recipients.

Ordinance No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE
ENTITLED "ZONING," ARTICLE III ENTITLED "REGULATIONS APPLICABLE
TO PARTICULAR ZONES," DIVISION 15 ENTITLED "I-3 ZONE, INDUSTRIAL
AND OFFICE PARK," TO ELIMINATE REDUNDANT AND CONFLICTING
PROVISIONS AND RENUMBER ACCORDINGLY

BE IT ORDAINED, by the Mayor and City Council of the City of
Gaithersburg, in public meeting assembled, that Chapter 24 of the City Code,
Article III, Division 15 is hereby amended to read as follows:

ARTICLE III REGULATIONS APPLICABLE TO PARTICULAR ZONES

* * * * *

DIVISION 15, I-3 ZONE, INDUSTRIAL AND OFFICE PARK

* * * * *

Sec. 24-143. Uses permitted by right.

The following uses are permitted by right in the I-3 Zone:

- (1) All uses permitted by right in the E-1 Zone.
- (2) Public buildings and uses subject to the following requirements:

[(a) The minimum lot or parcel area shall be at least twenty (20) acres in
size.]

[(b)] (a) * * * * *

[(c) All parking areas shall be set back at least fifty (50) feet from any
common property line or public right-of-way and shall be screened by
fencing or planting at least four (4) feet in height.]

[(d)] (b) * * * * *

[(3)] (2) Public buildings and uses.]

[(4)] (3) * * * * *

[(5)] (4) * * * * *

[(6)] (5) * * * * *

[(7)] (6) * * * * *

[(8)] (7) * * * * *

[(9)] (8) * * * * *

[(10)] (9) * * * * *

[(11)] (10) * * * * *

ADOPTED this ____ day of _____, 200x by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 200x. APPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 200x.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 200x, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the ____ day of _____, 200x. This Ordinance will become effective on the ____ day of _____, 200x.

David B. Humpton, City Manager

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

DRAFT